

House File 2555

HOUSE FILE _____
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HF 2492)
(SUCCESSOR TO HSB 626)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for specified changes regarding programs under
2 the purview of the department of public health, providing a
3 penalty, and making an appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5217HZ 80
6 rn/cf/24

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1 1 Section 1. NEW SECTION. 135.39A GIFTS AND GRANTS FUND ==
1 2 APPROPRIATION.
1 3 The department is authorized to accept gifts, grants, or
1 4 allotments of funds from any source to be used for programs
1 5 authorized by this chapter or any other chapter which the
1 6 department is responsible for administering. A public health
1 7 gifts and grants fund is created as a separate fund in the
1 8 state treasury under the control of the department. The fund
1 9 shall consist of gift or grant moneys obtained from any
1 10 source, including the federal government. The moneys
1 11 collected under this section and deposited in the fund are
1 12 appropriated to the department for the public health purposes
1 13 specified in the gift or grant. Moneys in the fund shall not
1 14 be subject to appropriation or expenditure for any other
1 15 purpose. Notwithstanding section 8.33, moneys in the public
1 16 health gifts and grants fund at the end of each fiscal year
1 17 shall not revert to any other fund but shall remain in the
1 18 public health gifts and grants fund for expenditure for
1 19 subsequent fiscal years.
1 20 Sec. 2. Section 135.103, Code 2003, is amended to read as
1 21 follows:
1 22 135.103 GRANT PROGRAM.
1 23 The department shall implement a childhood lead poisoning
1 24 prevention grant program which provides ~~matching federal,~~
1 25 ~~state, or other~~ funds to local boards of health or cities for
1 26 the program after standards and requirements for the local
1 27 program are developed. ~~The state shall provide funds to~~
1 28 ~~approved programs on the basis of three dollars for each one~~
1 29 ~~dollar designated by the local board of health or city for the~~
1 30 ~~program for the first two years of a program, and funds on the~~
1 31 ~~basis of one dollar for each one dollar designated by the~~
1 32 ~~local board of health or city for the program for the third~~
1 33 ~~and subsequent years of the program if such funding is~~
1 34 ~~determined necessary by the department for such subsequent~~
1 35 ~~years. The department may also use federal, state, or other~~
2 1 ~~funds provided for the childhood lead poisoning prevention~~
2 2 ~~grant program to purchase environmental and blood testing~~
2 3 ~~services from a public health laboratory.~~
2 4 Sec. 3. Section 135.104, unnumbered paragraph 1, Code
2 5 2003, is amended to read as follows:
2 6 The program by a local board of health or city receiving
2 7 ~~matching~~ funding for an approved childhood lead poisoning
2 8 prevention grant program shall include:
2 9 Sec. 4. NEW SECTION. 135.105D VOLUNTARY LEAD HAZARD
2 10 REMEDIATION == LIABILITY.
2 11 1. The department shall adopt rules, pursuant to chapter
2 12 17A, setting forth voluntary lead hazard remediation standards
2 13 for an owner or managing agent of target housing or a child=
2 14 occupied facility constructed prior to 1978. In promulgating
2 15 these rules, the department shall consult with state
2 16 associations of real estate agents and landlords.
2 17 2. The department shall also adopt rules, pursuant to
2 18 chapter 17A, setting forth the conditions under which an owner
2 19 or managing agent of target housing or a child=occupied
2 20 facility constructed prior to 1978 who has voluntarily

2 21 completed lead hazard remediation and who is sued by a current
2 22 or former occupant seeking damages for injuries allegedly
2 23 arising from exposure to lead-based paint hazards shall be
2 24 immune from liability.

2 25 3. The department shall adopt rules, pursuant to chapter
2 26 17A, to develop and administer a central registry of target
2 27 housing or child-occupied facilities constructed prior to 1978
2 28 that meet the lead hazard remediation standards promulgated by
2 29 the department pursuant to subsection 1. The department shall
2 30 establish by rule fees in amounts sufficient to defray the
2 31 costs of administering the central registry. Fees received
2 32 shall be considered repayment receipts as defined in section
2 33 8.2. The department shall consider providing internet access
2 34 to the registry.

2 35 4. For purposes of this section, "child-occupied
3 1 facility", "lead-based paint hazard", and "target housing"
3 2 shall mean the same as defined in departmental rules.

3 3 Sec. 5. Section 136B.1, subsection 2, Code 2003, is
3 4 amended to read as follows:

3 5 2. The department shall establish programs and adopt rules
3 6 for the certification of persons who test for the presence of
3 7 radon gas and radon progeny in ~~buildings and for buildings,~~
3 8 the credentialing of persons abating the level of radon in
3 9 ~~buildings, and standards for radon abatement systems.~~

3 10 Sec. 6. Section 136B.3, Code 2003, is amended to read as
3 11 follows:

3 12 136B.3 TESTING AND REPORTING OF RADON LEVEL.

3 13 The department ~~or its duly authorized agents~~ shall from
3 14 time to time perform inspections and testing of the premises
3 15 of a property to determine the level at which it is
3 16 contaminated with radon gas or radon progeny as a spot-check
3 17 of the validity of measurements or the adequacy of abatement
3 18 measures performed by persons certified or credentialed under
3 19 section 136B.1. Following testing the department shall
3 20 provide the owner of the property with a written report of its
3 21 results including the concentration of radon gas or radon
3 22 progeny contamination present, an interpretation of the
3 23 results, and recommendation of appropriate action. A person
3 24 certified or credentialed under section 136B.1 shall also be
3 25 advised of the department's results, discrepancies revealed by
3 26 the spot-check, actions required of the person, and actions
3 27 the department intends to take with respect to the person's
3 28 continued certification or credentialing.

3 29 Sec. 7. Section 139A.2, subsection 20, Code Supplement
3 30 2003, is amended to read as follows:

3 31 20. "Quarantine" means the limitation of freedom of
3 32 movement of persons or animals that have been exposed to a
3 33 ~~communicable~~ quarantinable disease within specified limits
3 34 marked by placards for a period of time equal to the longest
3 35 usual incubation period of the disease in such manner as to
4 1 prevent the spread of a ~~communicable~~ quarantinable disease
4 2 which affects people.

4 3 Sec. 8. Section 148.3, subsection 3, Code 2003, is amended
4 4 to read as follows:

4 5 3. Present to the medical examiners satisfactory evidence
4 6 that the applicant has successfully completed one year of
4 7 postgraduate internship or resident training in a hospital
4 8 approved for such training by the medical examiners.

4 9 Beginning July 1, 2006, an applicant who holds a valid
4 10 certificate issued by the educational commission for foreign
4 11 medical graduates shall submit satisfactory evidence of
4 12 successful completion of two years of such training.

4 13 Sec. 9. Section 152.1, subsection 6, paragraph b, Code
4 14 Supplement 2003, is amended to read as follows:

4 15 b. Execute regimen prescribed by a physician, an advanced
4 16 registered nurse practitioner, or a physician assistant.

4 17 Sec. 10. Section 154A.18, Code 2003, is amended to read as
4 18 follows:

4 19 154A.18 DISPLAY OF LICENSE.

4 20 A person shall not engage in business as a hearing aid
4 21 dispenser, or display a sign, or in any other way advertise or
4 22 claim to be a hearing aid dispenser after January 1, 1975,
4 23 unless the person holds a valid license issued by the
4 24 department as provided in this chapter. The license shall be
4 25 conspicuously posted in the person's ~~office or place of~~
4 26 ~~business primary location of practice. The department shall~~
4 27 ~~issue duplicate licenses to valid license holders operating~~
4 28 ~~more than one office.~~ A license confers upon the holder the
4 29 right to ~~operate a business practice~~ as a hearing aid
4 30 dispenser.

4 31 Sec. 11. Section 155.9, subsection 3, unnumbered paragraph

4 32 2, Code 2003, is amended to read as follows:

4 33 The board may also accept the voluntary surrender of such
4 34 license without necessity of a hearing. In the event of the
4 35 inability of the regular administrator of a nursing home to
5 1 perform the administrator's duties or through death or other
5 2 cause the nursing home is without a licensed administrator, a
5 3 provisional administrator may be appointed on a temporary
5 4 basis by the nursing home owner or owners, to perform such
5 5 duties for a period not to exceed ~~six months~~ one year.

5 6 Sec. 12. NEW SECTION. 156.16 UNLICENSED PRACTICE ==
5 7 INJUNCTIONS, CIVIL PENALTIES, CONSENT AGREEMENTS.

5 8 1. If the board has reasonable grounds to believe that a
5 9 person or establishment which is not licensed under this
5 10 chapter has engaged, or is about to engage, in an act or
5 11 practice which requires licensure under this chapter, or
5 12 otherwise violates a provision of this chapter, the board may
5 13 issue an order to require the unlicensed person or
5 14 establishment to comply with the provisions of this chapter,
5 15 and may impose a civil penalty not to exceed one thousand
5 16 dollars for each violation of this chapter by an unlicensed
5 17 person or establishment. Each day of a continued violation
5 18 constitutes a separate offense.

5 19 2. The board may conduct an investigation as needed to
5 20 determine whether probable cause exists to initiate the
5 21 proceedings described in this section. To aid in such an
5 22 investigation or in connection with any other proceeding under
5 23 this section, the board may issue subpoenas to compel
5 24 witnesses to testify or persons to produce evidence consistent
5 25 with the provisions of section 272C.6, subsection 3.

5 26 3. The board, in determining the amount of a civil penalty
5 27 to be imposed, may consider any of the following:

5 28 a. Whether the amount imposed will be a substantial
5 29 economic deterrent to the violation.

5 30 b. The circumstances leading to the violation.

5 31 c. The severity of the violation and the risk of harm to
5 32 the public.

5 33 d. The economic benefits gained by the violator as a
5 34 result of noncompliance.

5 35 e. The interest of the public.

6 1 4. The board, before issuing an order under this section,
6 2 shall provide the person or establishment written notice and
6 3 the opportunity to request a hearing. The hearing must be
6 4 requested within thirty days after receipt of the notice and
6 5 shall be conducted in the same manner as provided for
6 6 disciplinary proceedings involving a licensee under this
6 7 chapter.

6 8 5. The board may request the attorney general to bring an
6 9 action to enforce the subpoena.

6 10 6. A person or establishment aggrieved by the issuance of
6 11 an order or the imposition of a civil penalty under this
6 12 section may seek judicial review pursuant to section 17A.19.

6 13 7. If a person or establishment fails to pay a civil
6 14 penalty within thirty days after entry of an order imposing
6 15 the civil penalty, or, if the order is stayed pending an
6 16 appeal, within ten days after the court enters a final
6 17 judgment in favor of the board, the board shall notify the
6 18 attorney general. The attorney general may commence an action
6 19 to recover the amount of the penalty, including reasonable
6 20 attorney fees and costs.

6 21 8. An action to enforce an order under this section may be
6 22 joined with an action for an injunction pursuant to section
6 23 147.83.

6 24 9. The board, in its discretion and in lieu of issuing or
6 25 enforcing an order or imposing a civil penalty for an initial
6 26 violation under this section, may enter into a consent
6 27 agreement with a violator, or with a person who aided or
6 28 abetted a violator, which acknowledges the violation and the
6 29 violator's agreement to refrain from any further violation.

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6 31 rn/es/25